

**BUTTE-SILVER BOW LOCAL GOVERNMENT
STUDY COMMISSION**

Minutes of the Public Hearing

April 13, 2006

Butte-Silver Bow Courthouse, Third Floor Council Chambers

Meeting Date: April 13, 2006

Time: 5:30 p.m.

Place: Butte-Silver Bow Courthouse, First Floor Conference Room

Call to Order: Chairman Bob Worley brought the meeting to order at 5:52 p.m. and called roll with the following results:

Members Present: Tony Bonney, Dave Palmer, Meg Sharp, Northey Tretheway, Bob Worley and Shag Miller

Excused Absences: Ristene Hall, Cindi Shaw and Tony Bonney

Approval of Minutes: Bob Worley asked if everyone had a chance to review the minutes from April 6, 2006 and asked if there were any changes or deletions that needed to be made. Bob Worley entertained a motion for the approval of April 6, 2006 minutes. Shag Miller moved and Northey Tretheway seconded for the approval of the minutes from April 6, 2006. All were in favor and the motion carried.

Comments from Ron Rowling: None.

Citizen Comments: Jerry O'Brien from the Montana Standard was present. He commented that the Study Commission has probably seen his editorial. Jerry suggested the Study Commission look at a bigger picture of the issues that have been proposed that the people are going to vote on. Jerry had spoke with a few of the Study Commission members and his impression is that the Study Commission is looking at re-wording the charter to update it. Jerry would like to see the council look at making the charter a more general oversight type of document to run the government and offer the public some definite choices as far as what they want to see their county government be, such as, the size, how many elected or appointed offices, etc. This would give them a much more concrete choice of county government operation. For example, offering the public a choice between the number of commissioners remaining the same or being fewer. Jerry editorialized about reducing the number to 9 or 7 members. Jerry commented BSB County is probably one of the smallest in the state, yet we have 12 commissioners running it. In some counties, such as Yellowstone County, they have 3 commissioners. Jerry commented that he spoke with Shag Miller about where this comes from historically and agrees with Shag but at the same time for a more efficient government give the voters a chance to say there are too many commissioners and it needs to be reduced to a more manageable number.

Jerry commented another thing the Study Commission might want to look at is reducing the amount of elected offices or combining some of the elected offices. Some of them

might be looking at going to an appointed form of Chief Executive, a managerial form of government where the commissioners run the government and they also have charge of an appointed city manager. Jerry stated that is something Butte needs to look at due to the potential growth in Butte. Jerry stated that he is not suggesting they take away all elected offices. Jerry thought there is a good balance between elected and appointed offices in BSB but he also feels the government is a little bit too big to accomplish some of the things that need to be done especially if there is significant growth in the community. Those were the general points of his comments and he thinks the commissioner ought to...and while the work the Study Commission has done is really good, he would like to see the commission present the public with an over arching, kind of general charter and allow the government to run by ordinance that is approved by the council. Jerry further commented they should then take a look at the offices in BSB government and try to consolidate some of those to bring them down to a more workable and manageable operation.

Northey Tretheway clarified that is what Jerry's editorial in the paper covered. Jerry replied that one of the conditioners that Charlie O'Leary chastised him about was reducing the number of commissioners and full-time versus part-time. Jerry commented there are other ways of doing that and did not think you needed to pay commissioners full-time to do the job but they might need to be better compensated. Jerry discussed how every one of the twelve commissioners is on a sub-committee and it seems like things move too slow for our government.

Northey Tretheway commented that he took it from Jerry's editorial that he is not necessarily advocating a change but suggesting the Study Commission look at those types of items to put before the voters and them decide.

Jerry O'Brien replied that the Study Commission is empowered every ten-years and believes they have a good chance to radically change the government and let the voters take a look at that. Jerry commented that he was not sure how much public comment the Study Commission solicited or if they have a done of survey of the voters or if they have met people through different service clubs. Jerry thought the Study Commission should give the voters an option on the size of the government and how well it operates.

Meg Sharp asked if what he was suggesting is the Study Commission may have decided they like a Chief Executive form of government, however, they should present to the public an option on voting for a Chief Executive form or City Manager. Meg commented that she thought they, the Study Commission, were supposed to make recommendations.

Northey Tretheway replied that they could do that and that was the purpose of the Study Commission, which is the form, and structure of government. Northey stated the form and structure of the charter is worked on every ten years. The businesses run according to the ordinances.

Shag Miller commented ten years ago, the previous Study Commission voted to eliminate the Auditor and the Superintendent of Schools and was voted down.

Jerry O'Brien replied he thought it was time to revisit some of those positions.

Shag Miller replied that they have discussed it but they have not come to a conclusion at this time. Shag further discussed an article by Rick Foote covering the Director of Budget and Finance, Jeff Amerman and the amount of cash floating around...the Civic Center, the animal issues, parking, etc. and getting a handle on it. Shag Miller commented Bob McCarthy claims the Budget and Finance Department is really a good function as far as our government is concerned. Shag thought the Auditor's position could be incorporated with the Budget and Finance Department and save some money.

Jerry O'Brien replied most businesses operate that way. They have a controller and that individual is self-auditing a lot of what is going on in the government. The check and balance part of it comes from the Finance and Budget Committee of the council.

Shag Miller replied the Budget and Finance Committee was a creation coming out of the charter. Previous to city-county government, they had an Auditor and County Treasurer. The budget was handled by the three commissioners or in the old City Council...Mayor City Council was handled by the Mayor or City Council. There was a combination of executive and legislative. The Billings City Council has eight members in addition to three county commissioners, that is eleven. Butte has twelve commissioners.

Jerry we are not Billings or Yellowstone County. Billings is a major metropolitan area. Jerry, speaking as a citizen, believes a lot could be accomplished so much faster with a smaller, tighter group. Furthermore, he believes the Study Commission needs to give a wider variety of options when they vote on the charter.

Northey Tretheway commented that they could talk all they want in there about whether they want keep something the same or change it. Northey thought the point Jerry was making was letting the voters decide. Northey commented they would not be advocating one-way or the other.

Meg Sharp thought eight commissioners is a good number but she got voted down.

Jerry O'Brien replied it is something to consider. He thinks it is an opportunity now since there is a lot of change going on in the county government and in the town. Jerry thought it was something the commission could dovetail with what is going on. They could look ahead and send the message that this community needs to push economic development. Butte needs to turn things fast as we possibly can to bring in economic development. Jerry thought the best way to do that is to make sure that our government is running more efficiently, effectively and that they can handle those issues.

Shag Miller commented to get a better understanding of what Jerry was saying is suppose the commission is going to recommend the following menu to the voters. Reduce the number to eight commissioners versus twelve, retain the Auditor and put his/her function under the Department of Public Works. The Superintendent of Schools would be incorporated or retained into School District #1. Shag asked Jerry would they then pick

one or the other? Jerry O'Brien replied that would be up to the Study Commission to decide.

Northey Tretheway thought that is where Bob McCarthy would come in and help with phrasing the language.

Tony Bonney thought they could offer each issue as an individual item. If they wanted to incorporate the Superintendent with School District #1, they could vote for that but if they don't want to incorporate the Auditor they don't have to vote for that. Tony believed they were not limited by the number they could present to the public.

Shag Miller commented from what Rick Griffith and Dan O'Neill told him was here are the three issues they want to change which were the Superintendent of Schools, Auditor and they build up a constituency and they defeated it.

Tony Bonney replied they offered it as an all or nothing option. Tony thought that was a bad approach to it. He agrees with Meg and those are the types of things they should be looking at.

Jerry O'Brien stated there is an opportunity to make some radical changes. Some may pass, some may and some may work together really good.

Shag Miller commented one thing they found out at the public hearing was the big issue being the dogs. They have drafted language to propose in the charter, which would set up a separate department for Animal Control and the functions of it. Shag asked Jerry how they would handle that? Do they say they want an Animal Control Department or they don't?

Jerry O'Brien replied that could also be an option. Jerry stated what bothers him is the charter itself should be an over-arching view of BSB's government. Jerry commented everything else is somewhat micro-managed; that issue could probably be handled by the commissioners.

Shag Miller commented that is a problem. Shag stated unless it is put in the charter specifically, the Council of Commissioners does not know anything about it. For example, Central Purchasing is in the charter but they are not doing it.

Northey Tretheway commented that the charter is not intended to be the legislative body of BSB. The charter is intended to be the structure of our government. If they don't like how they are dealing with dogs or central purchasing then they need to get in front of the council and express their concerns.

Shag Miller commented right now, because of the necessity of combining the city-county government in 1974, it does both. Shag commented they voted, generally, to stay along with what they had and work within the framework. Shag asked do they want to reduce the number of commissioners? Northey Tretheway replied that is up to the voters.

Northey commented that they have spent 15 months going line by line over the charter. The discussion on the refined charter last week and what they have been debating...the refined charter would be a means to an end. The next Study Commission that comes along in the next ten years will be doing the 15 month thing they just got done doing unless the charter was refined. Their interest would be confined to the structure and the overarching of government instead of an Animal Control Office or Central Purchasing. Every Study Commission that comes in from now on should not be distracted with these things but look at what Study Commissions are intended to do and focus on. Northey commented in reference to what Jerry was saying, even if they don't do a refined charter, they can still back up and say let's tackle the big issues, the over-arching issues of the government. They need to allow the public to vote on the issues instead of them, the Study Commission, saying let's not put this before the public because they don't think the public will vote for something.

Jerry O'Brien suggested they open it up to the public and let them debate on it. By August, you would have a good idea of whether those issues would apply or not. The Study Commission could probably get their ballot down to what they need to do to get it on the November ballot. It is their opportunity to really shake up the government from its roots and see what works the best, what would save money, what would be more efficient to get businesses to come to Butte, finding solutions to the dog problem or just generally running the government in a timely and efficient manner. They could then head it off to the voters to debate those issues.

Tony Bonney asked Jerry how he would suggest getting the public to debate on it?

Jerry O'Brien replied public forums for people to...it is probably difficult for people to come to the meetings or having people attend the meetings. At the same time, if you are offering radical ideas, you will get more public feedback than just trying to clarify language in the charter. If you offer them something that is really going to change this form of government, the public will respond and you could get a debate going.

Shag Miller commented the existing charter as it is has been working well for our government.

Jerry O'Brien replied that he does not disagree with that at all but there have been problems such as the one with the Chief Executive.

Shag Miller commented one of the reasons the people voted for a consolidated government was due to there being three incompetent County Commissioners in the 1960's. The public voted for consolidation to get rid of that.

Northey Tretheway replied another big reason was due to the funding of services not being there.

Jerry O'Brien commented that was around 30 years ago and it might be time to say what needs to be done now to send this government into the future and run as efficiently as possible?

Shag Miller commented BSB has a really good form of government and it is more efficient than other counties in the state. Is it because of the form of government that Bozeman is growing or due to the fact that Montana State University is there?

Jerry O'Brien replied Billings is growing because they have a very progressive form of government that is tied to their economic development. Butte is surrounded by growth right now and growth is probably going to come here no matter what we try to do. Jerry suggested there be a tight knit Council of Commissioners, either a management form of government, Chief Executive form of government or a Mayor who is elected. The Study Commission has an opportunity to open up the box and see what the voters want.

Northey Tretheway stated there was a study done a few years ago by the State of Illinois and as a result of dislocation going on there they were looking to see how they could be more efficient. One of the strong associations they determined on economic development of a region whether it went or not was a strong element, it was how efficient and progressive the government was. Northey thought what was being said...politics is government but it does not mean you have to preclude efficiency. Politics that enables efficiency is the best of both worlds.

Shag Miller mentioned the Community Development department that is offering tax incentives to Three Bears.

Meg Sharp commented when tax incentives are given to bring in a retailer that is going to compete with existing retailers, she does not think that is right. Three Bears would shut down the Safeway on Front.

Jerry O'Brien disagreed and thought it would be for the good of the community. Jerry explained if Butte offers one company to come in and if they come in another company will locate near there and create a domino effect.

Bob Worley commented that they have had a couple of public hearings and they attracted around 70 people total. Most of them had an agenda. These meetings have been open to the public since they started. They have done presentations, party lines and have been on focus a couple of times. Bob Worley is not sure what it takes to generate interest in government and asked when they propose their recommendations, is the public even going to know what they are voting on?

Northey Tretheway commented when they started talking about the number of commissioners, they would receive phone calls at home.

Jerry O'Brien stated what he is suggesting, they can go to the public and say we want to know if you would like to radically change this form of government. If you do, this is

what the Study Commission is going to offer you. You would then start your debate and see if you get a response. If you don't, maybe the public generally wants to say, you, the Study Commission are working on the charter and fixing the language that got BSB into some legal trouble. That is good enough for them. The Study Commission only meets once every ten years and there is an opportunity to shake it up more than normal. Jerry suggested they leave the charter as an over-arching document and let the council run the government by ordinance.

Bob Worley agreed and to guide more than govern makes it easier to change the things that need to be changed.

Northey Tretheway commented with the existing charter being as specific and detailed as it is, actually indulging it into the areas where there should be ordinances, it is susceptible to be attacked through lawsuits because it is too detailed. It then takes away credibility of the charter as a long lasting covenant of how the government should be formed and structured. Northey Tretheway further commented that people have a hard time understanding that State Law supercedes the charter.

Jerry O'Brien would like to encourage more discussion of where the Study Commission is heading towards and what they would like the voters to vote on. Jerry stated they would be willing to give more publicity to that if they get more public input. They need to shake things up more.

Meg Sharp had the impression when one suggests something that would be a radical change; most of the other people feel you have to do what is safe and what will pass. It is being played more politically than trying for improvement in her opinion.

Tony Bonney thought it would be a great idea. The Study Commission meets on Thursday nights. They could come up with a question(s) for Jerry and give it to him on Friday. He could put it in the paper on Sunday and see what the response is. If you present a question to them such as the number of commissioners and see what the response is you would get a guideline of what the public wants.

Northey Tretheway asked Tony what he thought as far as being bolder of where they are taking the charter. They had that discussion last week.

Tony Bonney replied he thinks the current charter over the last 30 years has worked great. He does think there are changes that need to be made to the existing charter. He thinks to go before the public with a new charter, 90% of them would be questioning what is the Study Commission up to? The 10% that have knowledge of the charter are going to think it is a great idea.

Northey Tretheway commented when they discussed the refined charter last week, it was to create a focus on the items Jerry mentioned so ten years from now, instead of talking about where the Land Records Department should be, they would be focusing on the structure of government.

Tony Bonney commented the only form of government you can compare Butte to is Anaconda because they are combined.

Northey Tretheway replied Anaconda did go to a mayor form of government for a while. They were being bold about it.

Northey Tretheway commented what they have dealt with is consolidating some departments but they have not done anything close to the degree of a managed or Chief Executive form. Should the voters have that on the table to select from?

Tony Bonney agreed it should be on the table for them to select from. Tony further commented since he has been in Butte, it is a place that rolls up their sleeves and goes to work. They want to say who gets elected and that is where the power is. Northey Tretheway replied let the people decide and vote. Tony agreed.

Tony Bonney suggested they put that as the first question in the poll and see where it goes. Do you want an elected form of Chief Executive Office or do you want an appointed City Manager form? In his opinion, the public is going to say that is my vote and they are not going to take that away.

Jerry O'Brien stated he would love to do it.

Northey Tretheway asked if he could do that survey and put things into context so the public knows what they are talking about it?

Jerry O'Brien believed he could but the only problem they would have with that is it is not a scientific survey. You get skewed results. If you get a good response you might have at least touched a nerve.

Northey Tretheway commented the biggest risk they are taking is that they are not doing the things that will help BSB move forward.

Bob Worley clarified that they are not changing the charter form of government.

Shag agrees with Jerry that they present options for the public to vote on.

Shag Miller asked Jerry how he is going to assemble it and if it was going to be off his website? Jerry replied there are several ways. He asks the public to write, e-mail, call or use the website to vote.

Bob Worley commented he would like them to come up with three questions.

Tony Bonney suggested the three largest issues are the city manager number of commissioner and appoint or elect the sheriff.

Northey Tretheway wanted to add electing commissioners at large.

Tony Bonney commented if you stimulate a public interest in what is going on, it would cause a snowball effect. Tony commented if you could get the public involved you could get a general idea on the consensus of the number of the commissioners and so forth.

Bob Worley asked if they should run it as the Study Commission wanting to know or make it look as if it is Montana Standard's idea?

Northey Tretheway asked if Jerry could put it in like that?

Jerry O'Brien replied if they as a group vote they want public feedback and these are the three issues they should present it that way. Otherwise, they could just do it as the newspaper saying we want to hear from you, the public on these three topics they think the Study Commission should be addressing.

Tony Bonney and Shag Miller thought it would be best to present it as the Montana Standard wanting the public's opinion.

Meg Sharp moved that they do just what Tony Bonney stated.

Bob Worley asked Jerry if he had anything for this Sunday? Jerry replied that he did not and could use that.

Northey Tretheway asked if they could get something to him by tomorrow? Jerry replied yes.

Northey Tretheway suggested they write up some questions tonight.

The Study Commission thanked Jerry for attending.

Tony Bonney thought that would be a great place to put in if the public agrees with a reworded or refined charter.

Northey Tretheway commented that there has been nothing bold about what they were providing.

Tony Bonney replied the issues were voted on by the commissioners and did not go very far. It is going to be the public that is going to decide if the Study Commission should rewrite or present a refined charter. They, as a Study Commission, can only present the recommendations to the public.

Bob Worley replied that they have voted on three things so far. What if they get feedback from the public that they were going in the wrong direction?

Tony Bonney replied it is just a guide.

Northey Tretheway stated they need to focus on the big things and they are trying to create community involvement in this. He still thinks they should focus on the big things and use everything they have done in the last 15 months, one way or another in their recommendations or something else. If they could run those things every week for the next three or four weeks, they will start finding what the public's focus is on.

Bob Worley reviewed the questions. The first question asked, do you as a voter prefer an elected Chief Executive or a hired City Manager?

The second question asked, do you as a voter prefer an elected or hired Sheriff?

The third question asked, do you as a voter prefer for the number of commissioners to remain at 12 members or do you believe there should be a lesser number?

Ron Rowling commented on thing they have debated is the firings of two people. If they appoint the Sheriff and a new Chief Executive gets elected, what do you do with that person...Northey answered it is under contract.

Shag Miller thought that was a question he would like to see, should the department heads be under contracts?

Tony Bonney and Northey Tretheway both agreed.

Northey Tretheway commented that the problem to this is that they are using the charter...he agrees it should be in there if the people wants it but they could do that now. The Council of Commissioners could do that right now. They could have hired John VanDaveer or Jeff Amerman by contract.

Northey Tretheway commented they are looking for the charter to use that power so they don't have to stand up for it. "At will" employment should not be in the charter.

Meg Sharp suggested they add the question, should the Council of Commissioners be elected by district or at large?

Tony Bonney thought they should leave the question to just changing the number. If they get a good response at reducing the number then present the question to them if they should be elected by district or at large.

Northey Tretheway suggested they submit three questions and then another three next week.

Northey Tretheway suggested later they submit to the Montana Standard the question asking if our charter is too cumbersome?

Bob Worley replied most people won't know.

Tony Bonney replied they would have an opinion if you asked them if the charter should govern or guide?

Northey Tretheway thought another question could be have you ever read the charter?

Meg Sharp commented one of the things that really bothers her is the fact that we have so many elected officials in the government who never have any opposition.

Northey Tretheway commented if they limit their changes to some of the items that might cause public interest or some of the recommendations that are going out and not get wrapped up in the language and how it is written. That is what takes up a lot of time. Northey commented that they are still not sure if they have it right. Northey commented John Cummings brought up, the other day when they were presenting about the Human Resources reporting to the Council of Commissioners. That is the way they have it written in the charter or it could be interpreted that way.

Meg Sharp commented the way Rick Foote was interpreting things was that they were trying to take away powers from the Chief Executive.

Bob Worley confirmed with everyone the three questions they were going to submit to the Montana Standard.

Adjournment: Bob Worley entertained a motion for adjournment. Northey Tretheway moved and Shag Miller seconded. All were in favor and the meeting adjourned at 7:30 p.m.

Next Meeting: April 20, 2006